

DCFS Weekly Update From the State Office

Monday, May 14, 2001

Worker Immunity

By Richard Anderson

A few weeks ago I was asked to present an update on our progress on the Performance Milestone Plan to the Legislative Health and Human Services Interim Committee.

During that presentation, I was asked to comment on the bill that was presented in the legislative session that would remove governmental immunity from our staff. You probably don't need a long expose on what I said. Needless to say, I let the committee know that we really felt this would not be a solution, but another problem. Attached are two editorials: one from the *Deseret News* and one from *The Daily Herald* in Provo. These were published last week in support of our position. Please read these and feel the support from your communities.

A Note of Appreciation

By Midge Delavan

Who carries the Practice Model from a set of concepts to visible practice? The group of people who are doing this is growing in number. Those who worked with Richard Anderson on the development team have become facilitators and field practitioners. Many staff can now answer complex questions and identify applications of the Practice Model. Soon, the primary experts on the Practice Model will be those who are facilitating teams and assessing and planning with families to create unique solutions. As that becomes a reality it is important to again thank the people who are carrying the message by organizing and conducting the training to support innovations in daily practice.

There are two groups of people who have done such excellent work on the Practice Model that they deserve our recognition and gratitude. The larger group of facilitators have helped with development, started the process in their region, processed the changes in discussions, organized and re-organized for training sessions, conducted the training, and supported others. The unique gifts of the facilitators have shone as they led the process for all of us. They continue to sustain the training and do their day jobs.

The training managers comprise a smaller group within the larger group of facilitators. They have become the organizers, supporters, diplomats, and infrastructure of the Practice Model training implementation. Like all staff, they are people of many talents and doers of many jobs. Their willingness to respond to all needs around the Practice Model has been impressive. "Thank you" to them for making it happen.

It's Time for BCI's (Again!)

By Joelle Horel

It's time again to submit our BCI's! To complete licensing requirements as a child-placing agency, all staff of DCFS need to submit a 2001 background screening form. There is a new form this year, so please work with your region's human resources tech

in obtaining that form. Please complete the highlighted section of the form (be sure to include your full middle name) and attach a clear copy of your driver's license--front and back. You can then return the completed form to your region's human resources tech for processing. The only exceptions are for new staff whose request has been sent in this month (May) or whose results are pending, or for regions that have already completed the requirement for this year. Your help in returning the form ASAP is much appreciated!

To Make Your Life Easier...Using SAFE Optimally

By Robert Lewis

For SCF Cases—Tracking Progress Toward Adoptions

With the increased emphasis on permanency for foster children, some additions to SAFE have been made to strengthen our ability to track and manage adoptions. The goal is to be able to know, from SAFE, what progress is being made in the adoption of children where this is the type of permanency needed. Here is how to make this happen:

1. For an **adoptive foster care placement** (these were previously called “**fost-adopt**” or “**legal risk**” placements): Complete the placement by executing the Utah Department of Human Services Legal Risk (adoptive foster care) Agreement, Form AD12a, through SAFE.
2. For an **adoptive placement** (for children legally free to be adopted): Complete the placement by executing the Utah Department of Human Services Adoptive Agreement, Form AD12b, through SAFE.

Use of these formal instruments is good practice, protecting the agency, the adoptive parents, and the children. These two forms are both now available in the Document Index, under Adoptions forms. They are set up to check for essential adoption case information at the time that they are created. These are the steps:

1. Depending on which type of placement, enter the Adoptive/Foster Agreement Date or the Adoptive Agreement Date on either the Case window Adoptions tab or the Placement window Permanency tab for this placement. Save the change. SAFE will walk you through the entry of any other data required at this time.
2. Go to the Document Index and create the specific agreement document.
3. Go get the signatures, etc.

Mentoring

By Bob Banta

The following poem was presented at the supervisors conference in March 2001. Midge Delavan asked that I submit it for publication in the Weekly Update, so here it is. Just for fun, I added one stanza in brackets to include Captain Richard instead of Captain Ken.

Mentoring

Mentoring is the action of learning what we do
Mentoring is taking place all around, through and through

We work with a level of stress that results in new recruits
And we need to teach them in every one of our pursuits

Working with our apprentices, we seek to teach
As the mentor, we extend our knowledge to others as we reach

To build direction and future success
We will build a strong Division that no one will second guess

That will support families and protect sibs
Which is our mission and greater purpose, the kids!

The Practice Model helps us professionally in our job
We spend time and work hard, just ask me, I'm Bob!!

We have been instructed through the work of our model
To become a team together and engage at full throttle.

It is important to assess our individual competence
Both professionally and organizationally, it is our only chance.

Think back to our history, do you remember when?
Others made decisions for us rather than our Captain Ken.
[Think back to our history, do you remember? Think quick!
Others made decisions for us rather than our Captain Richard, and to rhyme I must call him Dick!]

We have developed greater credibility
Through our efforts and our versatility

The community has started to recognize our capability
The courts are there to require our responsibility

We work to build the family and nurture the child
Our aim is to provide and teach permanence, well styled.

We are sensitive to the needs and culture of one another
And teach our staff to love the client, the sister, and the brother.

We partner with professionals and our community friend
This builds trust and competence in their minds to the bitter end.

Much progress has been made in the past several years
As mentors in a new direction, we have become modern day pioneers.

As we mentor the practice model
I recommend that we listed to Aristotle

"Mentor others as they have mentored you,
And it will work as if it were super glue."

Immunity proposal wrongheaded

For this page to suggest that Utah's child welfare system is infallible would be disingenuous. There is substantial room for improvement.

But some of the proposals under consideration on Utah's Capitol Hill intended to fix the problems are fraught with their own pitfalls. One of the most troublesome ideas is holding Division of Child and Family caseworkers personally liable for misconduct, which may include making promises they know can't keep, acting with malicious intent, obtaining testimony through deception and exerting undue influence.

For child welfare workers to do their jobs effectively, they need to proceed with the confidence that the government they represent will back up their decisionmaking. How can a caseworker act in the best interest of the child when government policy also dictates that they watch their own backs for fear of civil litigation from a disgruntled parent or guardian?

Should caseworkers, who upon acquiring their professional licenses start out at \$13 an hour, also be expected to carry substantial personal liability insurance as they go about their work? If the state of Utah doesn't hold other state employees to this standard, what makes a small group of legislators believe they can single out caseworkers?

It seems a bit odd that a federal court is supervising DCFS because a 1994 lawsuit challenging Utah's child welfare practices alleged, among other things, that the division moved too slowly to protect children. Now other activists are alleging that the division is too aggressive in its tactics, which have unfairly impugned parents and guardians.

Seemingly there are several internal controls as well as the state licensing board to address caseworkers who are not doing their jobs effectively or those who parents or guardians allege are heavy handed or unprofessional in their conduct. While these processes may move too slowly for the satisfaction of those who have filed complaints, the employees are entitled to due process just as families that are wrongfully disrupted are entitled to an appropriate remedy.

This page is hopeful that the appointment of Richard Anderson as the new DCFS director will spur the division to fully implement the federal court-ordered Milestones Plan, which is intended to overhaul division practices.

Utah's child welfare system is so complex that reform demands a thoughtful blueprint based on best practices and research. The Milestones Plan is a far better alternative than the trial balloons being floated of late in legislative committee rooms.

Case workers should keep immunity

At first glance, Rep. Matt Throckmorton's idea seems to make sense.

Throckmorton, R-Springville, is proposing legislation to strip workers for the state Division of Child and Family Services of immunity from lawsuits for misconduct, such as knowingly making promises they can't keep, acting with malicious intent, obtaining testimony through deception and exerting undue influence.

Throckmorton tried to get it through the last session, but the immunity clause was deleted after opposition from child service advocates who said it would hurt children by reducing the number of people wanting to be case workers.

Now it is being discussed in interim session and will probably be back before the Legislature next year. As we said, it sounds good at first. DCFS workers deal with some of society's worst crimes and sometimes have to break up families for the good of the children, so it makes sense to hold them accountable if they cross ethical and legal lines in the course of that duty.

But it's the unintended consequences that taint this idea.

As was pointed out, it may make people less willing to work for the division if they know that their decisions can cost them their homes and life's savings.

While some may point out that doctors don't enjoy immunity from malpractice suits, they are obviously not working for the same wages as a DCFS worker, and can afford insurance to offset the cost of a lawsuit.

It could also mean DCFS workers may be gun-shy about taking children out of a home for fear of being sued. Without immunity, there is little protection from a spurious lawsuit, especially one backed by ultraconservatives who see the DCFS as an agency that meddles in a parent's right to raise their children.

The state has already been sued for not doing enough for children, and we don't think DCFS workers need to be between this rock and hard place.

What we need is a middle ground. The Legislature should authorize a study to look at DCFS and determine the extent of misconduct claims against case workers. Let's find out if there is a legitimate problem of caseworkers abusing their authority or if the reports are merely the ranting of the division's political opponents.

Once we know the scope of the problem, an appropriate solution can be crafted. The problem may not warrant the major surgery Throckmorton is proposing; an independent ombudsman who can hear complaints and take steps to correct a problem may be a better solution.

Child abuse is a serious problem in Utah, and our children deserve protection. But they can't get it if the Legislature haphazardly tries to fix something it knows little about.

Members of The Daily Herald editorial board are Publisher Kirk Parkinson, Managing Editor Mike Fitzgerald, Opinions Page Editor Donald W. Meyers, Community Editor Sharon Gholdston, Provo resident Jason Durtschi and Springville resident Patty Roberts.